



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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23541-01

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TECH CENTER 1800/2900

In re Application of:

Peter Richard REEVES, et al.

Examiner: B. Sisson

Serial No.: 09/423,093

Group Art Unit:

Filed: November 1, 1999

For: NUCLEIC ACID MOLECULES SPECIFIC FOR  
BACTERIAL ANTIGENS AND USES THEREOF

October 18, 2000

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Assistant Commissioner for Patents  
Washington, D.C. 20231

RESPONSE

S I R :

In response to the Office Action dated July 19, 2000, as amended by the Interview Summary issued by the Examiner on September 22, 2000, whereby the Examiner had proffered a restriction requirement amongst the claims originally presented for examination into three separate groups, as follows:

Group I: Claims 1-11 and 32-43;

Group II: Claims 12-15; and

Group III: Claims 16-31,

Applicants hereby elect the subject matter of Group III, to wit, Claims 16-31, with traverse, for further prosecution in the present application.

Applicants hereby traverse the Examiner's restriction requirement on the basis of the fact that the claims as grouped by the Examiner into Groups I, II and III, respectively, artificially separate closely related subject matter which should most appropriately be examined in the same application, since the various groups of claims relate to each other in

that the sequences mentioned in the Group I claims are in fact synonymous with those used, for example, in the method of the Group III claims.

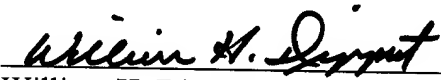
Applicants respectfully submit that the Examiner's restriction is inappropriate for the foregoing reasons and should therefore be withdrawn forthwith.

With regard to the issue raised as to the non-compliance of the computer readable form of the sequence listing previously submitted by Applicants under the sequence rules (37 C.F.R. § 1.821-1.825), submitted herewith is a new CRF Diskette, which, it is believed, fully complies with all of the requirements of the aforesaid rules.

Also enclosed is a signed statement concerning the identity of the sequence information provided on the enclosed diskette, which confirms that the information is identical to the sequence information originally filed and provided in the patent application as filed herein.

It is respectfully submitted that all of the claims as originally filed in this application should properly be examined together, that all of said claims are free from any rejection which may properly be applied in examination and that, therefore, all are in a condition for allowance and should be allowed forthwith.

Respectfully submitted,

  
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